

AMENDED IN ASSEMBLY APRIL 29, 2009

AMENDED IN ASSEMBLY APRIL 1, 2009

AMENDED IN ASSEMBLY MARCH 23, 2009

CALIFORNIA LEGISLATURE—2009–10 REGULAR SESSION

## ASSEMBLY BILL

**No. 453**

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**Introduced by Assembly Member Garrick**  
**(Principal coauthor: Assembly Member Miller)**  
(Principal coauthor: Senator Cox)

February 24, 2009

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An act to amend Section 41964 of the Health and Safety Code, relating to air pollution, *and declaring the urgency thereof, to take effect immediately.*

### LEGISLATIVE COUNSEL'S DIGEST

AB 453, as amended, Garrick. Gasoline: vapor recovery systems.

Existing law requires the State Air Resources Board to adopt procedures for determining the compliance of any system designed for the control of gasoline vapor emissions during gasoline marketing operations, including storage and transfer operations, and additional performance standards to ensure that systems for the control of gasoline vapors from motor vehicle fueling operations do not cause excessive spillage and emissions. Existing law prohibits the state board from requiring a gasoline dispensing facility that meets certain requirements from undergoing an Enhanced Vapor Recovery Phase II upgrade until April 1, 2011.

This bill would exempt a gasoline dispensing facility that does not meet these requirements from penalties for failing to undergo an Enhanced Vapor Recovery Phase II upgrade until April 1, 2010.

*This bill would declare that it is to take effect immediately as an urgency statute.*

Vote: ~~majority~~<sup>2</sup>/<sub>3</sub>. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 41964 of the Health and Safety Code is  
2 amended to read:

3 41964. (a) The state board shall not require a gasoline  
4 dispensing facility that meets all of the following requirements to  
5 undergo an Enhanced Vapor Recovery Phase II upgrade until April  
6 1, 2011:

7 (1) As of January 1, 2009, have installed a ~~state-board-certified~~  
8 *board-certified* Phase II vapor recovery system.

9 (2) Have an annual gasoline throughput of 240,000 gallons or  
10 less.

11 (3) Operate in a county that has a population of less than  
12 100,000.

13 (4) Operate in a basin not classified as nonattainment for ozone.

14 (b) A gasoline dispensing facility that does not meet all of the  
15 requirements of subdivision (a) that fails to undergo an Enhanced  
16 Vapor Recovery Phase II upgrade shall not be subject to penalties  
17 for violations that occur before April 1, 2010.

18 SEC. 2. *This act is an urgency statute necessary for the*  
19 *immediate preservation of the public peace, health, or safety within*  
20 *the meaning of Article IV of the Constitution and shall go into*  
21 *immediate effect. The facts constituting the necessity are:*

22 *In order to protect jobs, the economy, and retain critically*  
23 *needed revenue for the state, it is necessary that this act take effect*  
24 *immediately.*